

**Community Preservation Advisory Committee
December 17, 2003
9:00 am – 2:00 pm
State Capitol Room 437
Meeting Summary**

Attending:

Sen. Lynn Bromley (Chair), Cumberland County
Rep. Ted Koffman (Chair), Bar Harbor,
Southwest Harbor, Mt. Desert Island
Sen. Tom Sawyer, Penobscot County
Rep. Janet McLaughlin, Cape Elizabeth
Rep. David Tobin, Windham
Mike Johnson, Maine Historic Preservation
Commission
David Keeley, State Planning Office
Peter Merrill, Maine State Housing Authority
Ed Suslovic, community development consultant
and former Realtor

Absent Committee Members:

Rep. Peter Mills, Skowhegan, Cornville
David Holt, Town Manager, City of Norway

Additional Attendees:

Liz Rettenmaier, SPO (committee staff)
Susan Johannesman, Office of Policy and Legal
Analysis (committee staff)
Jeff Austin, Maine Municipal Association
Andrea Ciancette Maker, Southern Maine
Affordable Rental Housing Coalition
Beth Della Valle, State Planning Office
John DeVecchio, State Planning Office
Fred Dillon, Muskie School
Kathy Fuller, Maine Department of
Transportation
Mary Ann Gleason, York County Initiative to End
Homelessness

Introduction and Welcome

Review of the 2004 Work Plan

With a large number of high priority items on the table in 2004, the Committee opted to follow an approach of monthly “work session” meetings in the spring while the Legislature is in Session, to be followed by focusing on developing legislation and solidifying strategies in the fall. A proposed schedule may be something like:

January: Legislative Strategy for Short Session, Direct Research/Administrative Tasks to prepare for Fall Meetings, TDR Presentation, Tax Policy Strategy (full-day meeting)
February: Downtown Center Presentation & Affordable Housing (½-day meeting)
March: Regionalism: Counties, Regional/Municipal Service Districts (full-day meeting)
April: Schools (½-day meeting)

September: Coordinated Fiscal Planning (Statewide Capital Improvement Plan) (½-day meeting)
October: Protecting Rural Maine – LMF, Natural Resources Industries, BWH (full-day meeting)
November: Finalize Legislative Proposals for 1st Session of the 122nd (½-day meeting)
December: Finalize Annual Report and 2005 Work Plan (½-day meeting)

The Work Plan developed at the Committee Retreat on December 2nd sets out an ambitious agenda for 2004. In many areas, the Committee recognizes that it could be more valuable in ensuring that its voice is heard – and looked to as a credible set of leaders in the area – rather than directing the specifics of Legislative and Administrative change that may be necessary. The Committee will consider a series of policy statements / fact sheets on key subjects to share with the Governor, Legislative Committees of jurisdiction, and lead agencies.

The Committee’s staff will work with the 2004 work plan to condense it onto a page, focusing on the 4-5 core elements with a statement on each. This will form the core priorities of the Committee to pass on to the Governor for the formulation of his Smart Growth Agenda.

As the Committee discussed future plans and membership (the position representing rural municipal interests is currently vacant; David Holt has suggested that he be reappointed into that position, and that somebody new is appointed to represent service centers), it was suggested that next year, as appointments are made to accommodate changes in the legislative members of the committee, that legislative members that also sit on either the Transportation or Education Committees be considered as potential members of CPAC.

Final Report From the Barriers to Affordable Housing Subcommittee (Mary Ann Gleason, Subcommittee co-chair)

Mary Ann Gleason presented the final report of the Barriers to Affordable Housing Subcommittee, and reviewed highlights with the Committee. Overall, she noted that the issue was too large, and timeline too short to accomplish all the subcommittee want to accomplish; the subcommittee's report includes a recommendation that the subcommittee continue to exist for another year to continue to advance the agenda / priorities set forth.

The Committee had a few questions on the Subcommittee's recommendations:

1. In considering the HOME Fund, should there be a constitutional segregation of these funds (as there is for the gas tax) – that they are from housing and should be used for housing?
2. Regarding increasing Revenue Sharing:
 - a. The subcommittee also discussed approaches such as those in Massachusetts where municipalities are, in effect, paid to create local infrastructure and education capacity when they allow additional affordable housing.
 - b. The subcommittee was very interested in proposed legislation that will increase the total amount of funding available for municipal revenue sharing, Revenue Sharing III – and the opportunity to use some of this difference to incent creation of affordable housing.
 - c. Frank O'Hara, who facilitated the subcommittee meetings, is looking at the impact of rental housing on education demand, which will help to dispel some of the myths surrounding the creation of affordable housing.
3. In linking land conservation and affordable housing, the subcommittee focused on creating a bonus for municipalities that are addressing their affordable housing needs. Because so much of LMF's funds are used for recreation / outdoor purposes, we think there is a strong connection to affordable housing which is consistent with habitat for Maine's people
 - a. Barbara Charry, the representative of environmental interests on the committee, expressed real concerns over restricting the use of Land for Maine Future's (LMF) money. LMF focuses on habitat goals and critical natural resources of statewide or regional priority.
 - b. LMF money is restricted to acquiring property with natural resource value or farmland. Current funding is not allowed for purchasing or creating a park or doing street tree planting. If you're talking about purchasing wetlands and creating a park around it for public access, that would be allowed, but Capitol Park could not.
 - c. Would LMF work as a statewide development rights bank? LMF really isn't set up for that, and would need to adjust their expertise and statute.
 - d. Why wouldn't TNC be interested in promoting a statewide development rights bank? Local groups don't have the financial backing to do it.

The Committee chose to move forward with the following legislative proposals from the Subcommittee's recommendations:

1. Affordable housing should be made exempt from any local growth cap ordinances;
2. The law governing the municipal use of impact fees (Chapter 30-A, section 4354) should be extended to apply to utility districts as well in order to prevent utility districts from charging fees

for plans that are already built (additional clarification is needed from Mary Ann Gleason on the details of this proposal);

3. Draft a “sense of the state” resolve urging veterans’ organizations to create a nonprofit housing corporation to develop assisted living housing for veterans at Togus campus and other locations around Maine.

The Committee added a few thoughts to the table on options to address barriers to affordable housing:

1. Authorize local option sales tax – 1% on food and lodging – to be used for workforce or affordable housing. Or, rather than directing the outcome, you may limit the access – you can only do local option sales tax if you are implementing meaningful affordable housing, “doing your part.”
2. CPAC may need a markup on the Affordable Housing TIF bill to address some concerns about “recapturing” money. Maine State Housing Authority (MSHA) may try to interpret it the way it was intended, and bringing it in through major substantive rulemaking. If that is not successful, CPAC may wish to submit a placeholder LD in case we actually have to change the law.
3. Regarding the issue of retroactive moratoria and building moratoria. Some predictability, assurance, that you won’t have your legs lopped off retroactively at the end of the process is important. The EPA Finance Center at USM is working on a new approach to this topic that draws a line between administrative decisions (cannot be subject to a citizens’ referendum) and policy decisions (can be). The referendum in Scarborough should have been on the comprehensive plan, not the administrative decision around a specific project. This may require a constitutional change in Maine.

Status report on Comprehensive Plan Review study (Janet McLaughlin, Subcommittee Chair)

Representative Janet McLaughlin presented the findings and recommendations of the Comprehensive Plan Review Study Subcommittee. Beth Della Valle of the State Planning Office was also available to answer questions of the Committee.

Committee members had several questions for the Subcommittee and SPO:

- *Is there an educational component for consultants?* Not beyond the Regional Council meetings 3 times a year, which usually includes an educational component.
- *Does SPO provide technical assistance for ordinance development?* Yes, we focus our attentions based on where the most need and interest is.

Both the Maine Municipal Association and Maine Department of Transportation have concerns over the suggested clarifying amendments to Title 30(A), §4352(6). The subcommittee will continue to meet in January to address their concerns.

Writing the Annual Report

Liz Rettenmaier went over the outline of the Annual Report; drafts will be circulated to Committee members in early January for comment, with the report due to the Legislature on February 2, 2004. The Report will incorporate the reports and recommendations of the two Study Resolves.

Next Steps

SPO will work with the Committee Chairs to set a meeting date in January; future meeting dates will be set at the next meeting.